

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: BEACON ASSOCIATES LITIGATION  
This Document Relates To: ALL ACTIONS

Master File No.:  
09 Civ. 0777 (LBS)

DAVID B. NEWMAN and IRA F/B/O DAVID  
NEWMAN-PERSHING LLC as Custodian, on behalf of  
themselves and all Others Similarly Situated, and  
Derivatively on behalf of FM LOW VOLATILITY FUND,  
L.P.,

08 Civ. 11215 (LBS)

Plaintiffs,

v.

FAMILY MANAGEMENT CORPORATION;  
SEYMOUR W. ZISES; ANDREA L. TESSLER;  
ANDOVER ASSOCIATES LLC I; ANDOVER  
ASSOCIATES MANAGEMENT CORP.; BEACON  
ASSOCIATES LLC I; BEACON ASSOCIATES  
MANAGEMENT CORP.; JOEL DANZIGER; HARRIS  
MARKHOFF; IVY ASSET MANAGEMENT CORP.;  
THE BANK OF NEW YORK MELLON  
CORPORATION; MAXAM CAPITAL MANAGEMENT  
LLC; MAXAM CAPITAL GP, LLC; MAXAM CAPITAL  
MANAGEMENT LIMITED; SANDRA MANZKE; and  
JOHN DOES 1-100,

**ORDER TO  
SHOW CAUSE**

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DOC #: \_\_\_\_\_  
DATE FILED: 8/4/16

Defendants,

and FM LOW VOLATILITY FUND, L.P.,

Nominal Defendant.

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**ORDER TO SHOW CAUSE**

Upon consideration of the attached Declaration of Lewis J. Liman, dated August 8, 2010; the Memorandum of Law in Support of Motion to Stay Discovery by Ivy Asset Management LLC; and all materials attached thereto, and good and sufficient cause appearing therefore it is hereby:

**ORDERED** that Plaintiff Charles J. Hecht and all parties of record in Hecht v. Andover Associates Management Corp. et al., Supreme Court of the State of New York, County of Nassau, Index No. 6110/2009 ("Hecht"), APPEAR AND SHOW CAUSE, before the Honorable Leonard B. Sand, United States District Judge, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, Courtroom 15A at 2:00pm on Aug. 10, 2010 (the "Hearing"), why an Order in the form annexed hereto should not be made and entered pursuant to the Securities Litigation Uniform Standards Act ("SLUSA"), 15 U.S.C. § 78u-4(b)(3)(D), staying all discovery in Hecht pending the Court's resolution of the motions to dismiss the claims in these actions filed by Ivy Asset Management LLC.

**ORDERED** that, pending this Court's resolution of this motion, all discovery in Hecht is hereby temporarily STAYED. This stay shall be effective upon the delivery by overnight courier delivery to the Honorable Stephen A. Bucaria, Justice of said court, and service as provided below upon all parties. This stay shall expire at the earlier of 11:59 p.m. on August 23, 2010 or upon the denial of Ivy Asset Management's motion to stay discovery in Hecht, unless further extended by order of this Court or stipulation by all parties in Hecht.

**ORDERED** that service by overnight courier delivery to all counsel of record in Hecht, at their usual and customary offices with simultaneous delivery to said and all counsel in

these cases by electronic mail, no later than 6:00pm on 8/9, 2010, shall constitute sufficient and proper notice of the Hearing and the relief sought; and it is further

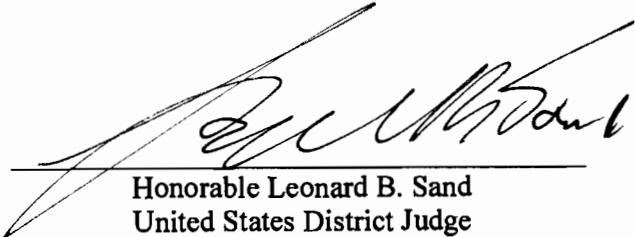
**ORDERED** that answering papers, if any, shall be filed electronically and served by e-mail or by hand upon counsel for Ivy Asset Management LLC, Lewis J. Liman and Jeffrey A. Rosenthal, Cleary Gottlieb Steen & Hamilton LLP, One Liberty Plaza, New York, New York 10006 (email: lliman@cgsh.com, jrosenthal@cgsh.com), on or before \_\_\_\_\_, 2010; and it is further

**ORDERED** that reply papers, if any, shall be filed electronically and served by email or by hand upon attorneys for Charles J. Hecht and by email on all other parties in these actions and in Hecht, before \_\_\_\_\_, 2010.

**SO ORDERED.**

Dated: New York, New York

August 9, 2010  
5:00 pm

  
Honorable Leonard B. Sand  
United States District Judge